

CHAPTER 68 (Revised 9/7/04)

ELECTION PROCEDURES

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Section 1. Time for opening and closing polls and locations.

- A. On the day of any election, the election board shall open the polls for voting at eight o'clock in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at seven thirty in the morning on an election day.
- B. Fifteen minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce that the polls are closed at the appropriate time. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.
- C. The normal voting place shall be the city offices. If for some reason beyond the control of the council this location is unusable, the council may by resolution designate a different location. Such location shall be included in all notices of election.
- D. Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts outside the city limits are excluded. Currently the City of _____ is entirely within the _____ election precinct.

Section 2. Distribution of ballots.

- A. Before the polls open on election day, the election supervisor shall deliver the ballots and sample ballots prepared pursuant to Chapter 62 to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board to which the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the polls close.
- B. The election supervisor shall keep the following records:
 1. The number of ballots delivered to the polling place;
 2. The time the ballots are delivered;

3. The name of the person to whom the ballots are delivered; and
4. The receipt given for the ballots by the election board.

C. When the ballots are returned, the election supervisor shall record the following:

1. The number of ballots returned;
2. The time the ballots are returned;
3. The name of the person returning the ballots; and
4. The condition of the ballots.

Section 3. Distribution of other election materials.

A. On election day, the election supervisor shall also furnish the election board judges at each polling place with voting booths and a ballot box (with lock or sealing materials) and the following materials:

1. The updated Master Voter Registration List;
 2. A Blank Register;
 3. Envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots;
 4. An envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots;
 5. Copies of the Notice of Election and the city's election ordinances;
 6. A sufficient number of Instruction Sheets and a sufficient supply of pens, pencils, and envelopes.
- B. The election supervisor shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results.

Section 4. Preparation of ballot box.

Before receiving any ballots the election board in the presence of all persons present at the polling place must open and exhibit the ballot box to be used at the polling place. After showing the box, the election board must seal the box and it shall not be opened again until the polls are finally closed. At the close of the polls and after deposit into the ballot box of all ballots properly voted upon, the ballot box will be personally opened by the election judges.

Section 5. Voting; general procedure.

- A. A voter shall give the judges or clerks his/her name, and print and sign his/her name, and write his/her residence address on the first available line of the blank register. By signing the register the voter declares that he/she is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce a state voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt as to whether the person is registered to vote, the election official shall immediately question the voter.
- B. If the voter is not questioned, the judge or clerk shall give the voter a single ballot and note its number in the register next to the voter's name. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his/her ballot by marking the boxes opposite the names of candidates of his/her choice, whether printed on the ballot or written in by the voter on the blank lines provided for that purpose. The voter also marks the boxes to indicate his/her vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold the ballot so the number on the ballot is displayed and deliver it to one of the judges or clerks, who shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot number matches the number given to the voter by the election official. The voter shall then in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot. Separate ballot boxes may be used for separate ballots.
- C. If a voter is questioned, the voter may cast a questioned ballot pursuant to Section 7 of this Chapter.

Section 6. Voting; spoiled ballots.

If a voter improperly marks or otherwise damages a ballot and discovers the mistake before the ballot is placed into the ballot box he/she shall return it to an election official, concealing from view the manner in which it is marked, and request a new ballot. The election official shall write the words "Spoiled Ballot" on the outside of the folded ballot, record its number, and place it in an envelope with other spoiled ballots for return to the election supervisor. The judge or clerk shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than three (3) times.

Section 7. Voting; questioned ballots.

- A. Every election judge and election clerk shall question, and any other person qualified to vote in the city may question a person attempting to vote if there is good reason to suspect that the person is not qualified to vote. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned.
- B. If a voter's name is not on the Master Voter Registration List or a voter's eligibility to vote is questioned or there is some other question regarding a voter's eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility attesting to the fact that he or she meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. After the questioned person has executed the Oath and Affidavit of Eligibility the person may vote a questioned ballot.
- C. A voter who votes a questioned ballot shall do so in the same manner as other voters. After the election judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into the larger envelope that has the signed Oath and Affidavit on it. The larger envelope shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be separated out, counted, compared to the voting list, sealed in the questioned ballot envelope. The questioned ballots are delivered to the election supervisor along with the other election materials and the election judge's ballot statement containing the tally and account of ballots and stating when the account was completed. The city council, meeting as the canvass committee on the first Friday following the election shall accept or reject the questioned ballots.

Section 8. Assisting voter by judge.

A qualified voter who cannot read, mark the ballot, or sign his/her name or who because of blindness or other physical disability, or who because of unfamiliarity with the system of voting needs assistance, may request an election judge, a person, or not more than two persons of his/her choice to assist. If the election judge is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he/she will not reveal the vote cast by the person whom he/she assists or change the voting wishes of the person he/she assists.

Section 9. Prohibitions.

- A. Leaving of the polling place with ballot is prohibited. No voter may leave the polling place with the official ballot that he/she received to mark his/her vote on.
- B. Exhibiting marked ballots is prohibited. No voter may exhibit his/her marked ballot to an election official or any other person so that the person can see how the voter marked his/her ballot.
- C. Identification of ballots is prohibited. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked his/her ballot, or allow the same to be done by another person.
- D. Count of exhibited ballots is prohibited. No election official may allow a ballot that he/she knows to have been unlawfully exhibited by the voter to be placed in the ballot box. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.

- E. Political discussion by election board is prohibited. During the hours that the polls are open, no judge or clerk may discuss any political party, candidate or issue while on duty.
- F. Political persuasion near election polls is prohibited. During the hours that polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition, or question. The election judges shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

Section 10. Administration of oaths.

Any election judge may administer to a voter any oath that is necessary in the administration of the election.

Section 11. Majority decision of election board.

The decision of the majority of judges determines the action that the election board shall take regarding any question that arises during the course of the election.

Section 12. Ballots; counting and tallying.

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. Ballots may not be counted before the time set for the polls to close. The counting of the ballots shall be public. The opening of the ballot box when the polls close shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. The chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one and tally the number of votes for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall continue the vote tally without a break until the count is complete.
- B. The election board shall account for all ballots by completing a ballot statement containing (1) the number of ballots received; (2) the number of ballots voted; (3) the number of ballots spoiled; (4) the number of ballots unused. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If there is a discrepancy between the ballots received and those accounted for a detailed written explanation signed by the election judges shall be written on the ballot statement.

Section 13. Rules for counting ballots.

- A. The election board shall count ballots according to the following rules.
 - 1. A voter may mark the ballot with cross-marks "X" or such other marks that are clearly spaced in the square opposite the name of the candidate or proposition(s) the voter is choosing and that clearly indicates the voter's intent.
 - 2. Failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
 - 3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
 - 4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
 - 5. The mark specified in subsection "A" of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.

6. Improper marks on the ballot shall not be counted and shall not invalidate proper marks.
 7. An erasure or correction invalidates only that section of the ballot in which it appears.
 8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was marked for the purpose of identifying the ballot.
 9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the judges' opinion the voter intended to vote for the person whose name was written in as a write-in vote.
 10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.
- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
 - C. The chairman of the election board shall write the word "Defective" on the back of each ballot that the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in "A" of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.
 - D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion(s) of the ballot objected to.
 - E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots," which shall be delivered to the election supervisor.

Section 14. Report of election results.

- A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate, for and against each proposition or question and any additional information the election board decides or as required by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots, and any other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee when the canvass committee meets.
- B. The election supervisor shall place all election materials received from the election board in the office safe, or other lockable container if no safe is available, until the canvass committee meets to canvass the election. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates.

Section 15. Posting certificate of preliminary election results.

The clerk shall post copies of the Certificate of Preliminary Election Results in three public places the day after the preliminary election results are known. The notice shall include:

- A. The time and place the council will meet to canvass the election results and certify the election;
- B. That the results do not reflect the votes of absentee and questioned ballots and are not final until the council formally certifies the election; and
- C. That anyone has the opportunity to contest the election at or before the meeting.